



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 20, 2014

CHAWKAT JAJIEH
23667 BOWER CASCADE PL
DIAMOND BAR, CA 91765


PROJECT NO. R2013-00520-(1)
Adult Business Permit No. RMIS 201300001
13217 Valley Boulevard (APNs-8563-009-019 and 8563-009-001)

The Regional Planning Commission, by its action of **February 19, 2014**, has **DENIED** the above-referenced project. Enclosed are the Commission's Findings.

Pursuant to Section 22.62.080(E) of the Zoning Code, issuance or denial of the adult business permit is not subject to an administrative appeal.

For questions or for additional information, please contact Diane Aranda of the Zoning Enforcement East Section at (213) 974-6483, or by email at daranda@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Marja Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings

c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement; Testifiers

MM:DA

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2013-00520-(1)
ADULT BUSINESS PERMIT NO. 201300001**

1. **ENTITLEMENT REQUESTED.** Adult Business Permit (ABP) to authorize an adult-oriented business with cabaret in the M-1-BE (Light Manufacturing-Billboard Exclusion) Zone and Avocado Heights Community Standards District within the Puente Zoned District pursuant to Los Angeles County Code (County Code) section 22.62.050.
2. **HEARING DATES: May 22, 2013, June 12, 2013, September 4, 2013, November 13, 2013 and February 19, 2014.**
3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.**

MAY 22, 2013 PUBLIC HEARING

A duly noticed public hearing was held on May 22, 2013 before the Los Angeles County (County) Regional Planning Commission (Commission), with all Commissioners present. County Department of Regional Planning (Regional Planning) staff presented a brief project description and disclosed that on May 16, 2013, an undercover operation conducted by the County Sheriff's Department (Sheriff) resulted in prostitution arrests. During the public hearing, Sheriff's Lieutenant John Babbitt provided testimony regarding the undercover operation, and stated that the Sheriff opposed issuance of the ABP and related request for a business license pending before the County Business License Commission. The Commission also stated that the floor plan does not illustrate a six-foot distance from the poles at the edge of the stage, where the dancers perform, to the nearest area occupied by the patrons per section 7.92.070(B) of the Business License County Code requirements. The Commission also requested from staff that a requirement be included to ensure that there is screening of the stage from any open door.

The applicant's representative, James Miller, was present and spoke with the Commission, but refused to take an oath prior to offering testimony. Mr. Miller explained that the Sheriff previously recommended denial of the business license but the business owner worked with the Sheriff to receive a recommendation of approval. He also commented about the Sheriff's undercover operation and that management has not hired back the dancers that were given citations for alleged prostitution activity. Mr. Miller also commented on the Commission's concerns with the floor plan's noncompliance with Title 7. Mr. Miller stated that the poles at the edge of the stage are not used by the dancers; the poles are located at the edge of the stage to hold up the roof. He also explained that after the current business owner purchased the property, he discovered that citations were issued by the Building and Safety Department, but the owner is not allowed to apply for a building permit until the ABP is approved.

The Commission also expressed concerns of a photograph that was included as part of the hearing package, illustrating a "beer tap" in the business's bar area without proper local permits or State licenses.

At the conclusion of the May 22, 2013, public hearing, the Commission continued the public hearing to June 12, 2013, to allow sufficient time for Regional Planning staff to work

with the applicant to revise the floor plan to comply with Title 7 requirements and to ensure that beer taps located in the bar area were sealed.

JUNE 12, 2013 CONTINUED PUBLIC HEARING

The Commission held a continued public hearing session on June 12, 2013. Commissioners Louie, Valadez, Helsley and Mudugno were present and Commissioner Pedersen was absent. During the public hearing, Regional Planning staff presented the results of an unannounced joint inspection conducted at Bliss Showgirls on June 4, 2013. Sheriff's Lieutenant Babbitt was present and testified that during the June 4, 2013 inspection uniformed Sheriff's officers were denied immediate access to the premises in violation of Title 7 of the County Code, and that the establishment failed to comply with multiple Title 7 requirements. Kathleen Miller from the Sheriff's Major Crimes Vice Unit was also present to answer questions regarding the May 16, 2013 undercover operation that resulted in the arrests of several dancers for soliciting prostitution. Ms. Miller reported that the arrests that occurred on May 16, 2013 were still pending litigation. She also stated that the business owner's claim that the undercover operation resulted in the closure of the business was false. She explained that when the officers completed the investigation, the business resumed operation. Christina Hernandez of the County Treasurer and Tax Collector (TTC) was present and explained procedures related to the applicant's application for a business license to operate the business.

The applicant, Chawkat Jijieh, and the applicant's attorney, Roger Diamond, were present. Mr. Jijieh provided testimony and Mr. Diamond argued in favor of approval of the ABP.

At the conclusion of the June 12, 2013, continued public hearing, the Commission continued the public hearing to September 4, 2013, in part to ensure that the floor plan complied with Title 7 of the County Code and that the location and business operation use was in compliance with development standards set forth in Title 22 of the County Code.

SEPTEMBER 4, 2013 CONTINUED PUBLIC HEARING

The Commission conducted a continued public hearing session on September 4, 2013, with Commissioners Louie, Helsley, Pedersen and Mudugno present. Commissioner Valadez was absent. Regional Planning staff requested a continuance to November 13, 2013, to ensure that Commissioner Valadez, who represents the First Supervisorial District in which the applicant's business is located, be present to hear this matter. A Commissioner asked Regional Planning staff if Business License had taken a position with respect to whether the business's floor plan complied with Title 7 of the County Code. Regional Planning staff responded that it had not received an approved floor plan from Business License.

At the conclusion of the September 4, 2013, continued public hearing, the Commission continued the public hearing to November 13, 2013.

NOVEMBER 13, 2013 CONTINUED PUBLIC HEARING

The Commission conducted a continued public hearing session on November 13, 2013. All Commissioners were present. During the public hearing, Regional Planning staff presented information regarding an announced joint site visit to Bliss Showgirls on October 23, 2013, with Regional Planning investigators and Civilian Investigator Araceli Pedroza

from the Sheriff's Major Crimes Licensing Unit. Staff testified that it observed multiple County Code violations during the inspection, including that no licensed security guard was present, that the exterior door was propped open, and that the applicant confirmed he operated the business past 2 a.m., all violations of Title 22 of the County Code. In addition, the Sheriff submitted e-mail correspondence prior to the November 13, 2013, continued public hearing advising Regional Planning staff that the Sheriff's deputies had observed Bliss Showgirls operate after 2 a.m. in violation of Title 22 of the County Code. Regional Planning staff also received complaints from the community regarding the business' operation after 2 a.m., as well as a community petition with 127 signatures in opposition to granting the ABP, and a letter of opposition from the Workman Mill Association.

Regional Planning staff also advised the Commission that TTC had issued a Notice of Denial of the applicant's related business license application, and that an appeal hearing was set for November 20, 2013 before the County Business License Commission. Section 22.62.080(D) (4) requires an applicant for an ABP to demonstrate it has obtained a business license pursuant to Title 7 of the County Code. Therefore, Regional Planning staff requested that the Commission continue the public hearing to February 19, 2014, to allow the County Business License Commission appeal process to take place.

During the public hearing, the applicant, Chawkat Jijieh, provided testimony in favor of granting the ABP and requested that the Commission approve the ABP at the hearing. The applicant's attorney, Roger Diamond, also objected to staff's request for a continuance. A representative from The Evergreen San Gabriel Valley church, Pastor Kyle Shi Mazaki, testified in opposition to the granting of the ABP.

At the conclusion of the November 13, 2013, public hearing, the Commission continued the public hearing to February 19, 2014 to allow sufficient time for the completion of the Business License Commission appeal process.

FEBRUARY 19, 2014 CONTINUED PUBLIC HEARING

The Commission held a continued public hearing session on February 19, 2014. All Commissioners were present. During the public hearing, Regional Planning staff presented a brief project description and explained that the Adult Business Permit, as set forth in Title 22, is a ministerial permit that shall be granted if the applicant demonstrates that the proposed business complies with location and development standards, is located in a zone in which adult businesses are permitted uses, and that a business license pursuant to Title 7 has been applied for and received. Staff also explained that an adult business permit is not subject to the California Environmental Quality Act or an administrative appeal.

Regional Planning staff continued her presentation by reporting that since the November 13, 2013 Regional Planning Commission meeting the Treasurer and Tax Collector rescinded the Notice of Denial, and the appeal hearing before the Business License Commission was taken off calendar, to allow Regional Planning to submit comments for the pending business license as required by Title 7 of the Los Angeles County Code. In response to the request by the Treasurer and Tax Collector, Regional Planning sent a letter recommending denial of Adult Business License No. 137255, applied for in connection with the adult-oriented business with live entertainment, currently named 'Bliss Showgirls'. The recommendation for denial was due to Bliss Showgirls' history of past and

current substantial noncompliance with the development standards governing adult business set forth in Title 22 – Planning and Zoning Code. Staff proceeded by reporting that the findings of recent site inspections conducted by Regional Planning, constituent complaints and reports by the Sheriff's Industry Station illustrates that the adult business continues to be in violation of the following Zoning Ordinance and Title 7 requirements: the exterior door of the business continues to be propped open during operation hours; a flashing message board sign advertising "lap dances" in the "VIP" section of the business, in violation of Title 22 provisions prohibiting flashing message board signs; the adult business was open past 2 a.m.; employed security guard was not licensed by the State; dancers performing on the stage were touching patrons; there was no separate access area for the dancers from the dressing room to the stage; and dancers were observed touching patrons and offering "lap dances". Staff also presented a copy of the home page of Bliss Showgirl's website to the Commission which advertises the hours of operation as Sunday- Wednesday 11 a.m. to 4 a.m. and Thursday-Saturday 11 a.m. to 5 a.m., "VIP rooms", and the serving of cocktails.

Staff concluded her presentation by stating that the applicant has failed to bring itself into compliance with applicable development standards since the application was filed in September 2007 and the applicant appears to be unwilling to comply with general development standards and continues to operate in substantial noncompliance with applicable regulations in the Zoning Ordinance and Title 7 of the Los Angeles County Code. For these reasons, staff recommended denial of Adult Business Permit RMIS 201300001.

The applicant, Chawkat Jijieh, the applicant's attorney, Roger Diamond, and agent James Miller were present and testified in favor of the project. Mr. Diamond began his testimony by protesting the Commission's rules and protocol and compared it to the Superior Court's protocol. Mr. Diamond indicated that the permit is ministerial and the Planning Commission has no discretion to deny the project. He continued by saying that the only issue is zoning and development standards with which the applicant is in compliance and that the operational matters are within jurisdiction of the Business License Commission. The applicant's agent, James Miller, testified that none of the dancers arrested in the previous undercover operation were convicted of prostitution and that Regional Planning claimed "the location is a perfect place for an adult business."

Pastor Victor Chen of the Evergreen Baptist San Gabriel Valley Church was also present and provided testimony in opposition.

With no further testimony, the Commission closed the public hearing and denied Project No. R2013-00520, Adult Business Permit RMIS 201300001 with findings of denial. At the direction of the Chair, the item passes with Commissioners Modugno, Louie, Valadez and Pedersen in favor of denial and Commissioner Shell recorded as abstaining, and pursuant to Section 22.62.080 of the Zoning Code, issuance or denial of the business permit is not subject to administrative appeal.

4. **PROJECT DESCRIPTION.** The applicant, Chawkat Jajieh, is requesting approval of an ABP to authorize the operation of an existing adult-oriented business with cabaret in the M-1-BE (Light Manufacturing-Billboard Exclusion) Zone within the unincorporated County community of Avocado Heights.

The applicant is requesting approval for the unpermitted expansion to the existing building and modifications to the interior floor plan area. The previously approved site plan has the building at approximately 2,250 square feet. The proposed site plan illustrates a 2,570-square-foot building, and a new 96.75-square-foot attached storage unit. The project also includes improvements to the parking lot area by adding additional parking spaces and landscaping. The project proposes to increase parking spaces from the previously approved 38 parking spaces to 58 parking spaces and increase landscaping to over 6.23 percent of the site.

The subject property has operated as an adult-oriented business with live entertainment for over 30 years. The adult-oriented business with cabaret was established before December 22, 1978, the date of the enactment of the County's adult entertainment regulations. The adult business with cabaret previously had a CUP that expired in 1997, and in order to continue operation, is required to obtain a valid ABP. The proposed adult-oriented business with cabaret is not proposing to sell alcoholic beverages and proposes to employ dancers that perform totally nude. The adult business with cabaret proposes to operate seven days a week with a maximum of twenty employees.

5. **LOCATION.** The project site is located at 13217 Valley Boulevard, southeast of the San Gabriel River Freeway in the unincorporated County community of Avocado Heights.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the subject property as two rectangular-shaped lots (APNs 8563-009-019 and 8563-009-001) totaling at approximately 26,340 square feet. An existing 2,570-square-foot one-story building and a new 96.75 attached storage unit is situated on the lot to the east (APN 8563-009-019) with an area to the rear enclosed with a ten-foot-high solid metal fence used as an outside storage area for recycling bins and for the storage of business related items. The lot to the west (APN 8563-009-001) is depicted on the applicant's site plan with 58 parking spaces (43 standard spaces and 15 compact spaces) including two handicap accessible parking spaces. Lights are located on metal posts along northern portion of the parking lot. Additional lights are located at the entrance of the building and next to the employee entrance with two security cameras. There is a 7'x6' trash dumpster that is enclosed and located adjacent to parking space labeled number eighteen on the site plan. Access is along two paved driveways along Valley Boulevard.

The floor plan depicts the cashier counter at the customer main entrance area. The non-alcoholic bar counter is located to the north of the main entrance adjacent to the file and video room, office and men and women restrooms. The dancer's dressing rooms and storage area are to the west of the restrooms adjacent to the disc jockey location. The customer seating areas are located to the north, east and south of the dancer stage area. The dancer's have a separate entrance area to the north of the main customer entrance area with direct access to the dressing room.

7. **EXISTING ZONING.** The site is located within the M-1-BE (Light Manufacturing-Billboard Exclusion) Zone and Avocado Heights Community Standards District.

Surrounding properties are zoned as follows:

North: City of Industry
South: C-1 (Restricted Business)
East: City of Industry
West: C-1 (Restricted Business)

8. **EXISTING LAND USES.** The subject property is developed with an adult-oriented business with cabaret.

Surrounding properties are developed as follows:

North: Southern Pacific Electric Railroad Tracks, vacant land
South: Restaurant, retail, liquor store
East: Radiator shop, auto sales, auto mechanic
West: Auto dismantling yard, furniture store

9. **PREVIOUS CASES/ZONING HISTORY.** Assessor records illustrate that the building on the site was built prior to the 1950's. Building permits on file show building improvements for a nightclub in the 1960's. Photographs dated 1978 for Zone Change No. 79-016, described below, depict the site as "Slick Nick's Total Nude Saloon." The following case history is associated with the site:

- Zone Change No. 79-016 changes Puente District 76 from M-1 (Light Industrial) to M-1-BE (Light Industrial-Billboard Exclusion) Zone. The County Board of Supervisors (Board) approved Zone Change No. 79-016 on July 22, 1980.
- NCR 231, a non-conforming review for an adult cabaret, was denied by the Commission on October 3, 1984. The Board heard an appeal to the Commission's decision denying NCR 231 on December 20, 1984. The Board upheld the Commission's decision and denied the appeal.
- On February 4, 1987, the Commission approved Conditional Use Permit (CUP) No. 86-139-(1) to authorize an adult cabaret. On October 8, 1987, the Board conducted a de novo hearing of CUP No. 86-139-(1), and denied the CUP based on incompatibility with the existing community, and the business's inconsistency with the establishment of industry in the community.
- On September 27, 1989, the Commission denied CUP No. 89-368-(1) to authorize an adult cabaret on the site. On December 21, 1989, the Board considered an appeal of the Commission's denial of CUP No. 89-368-(1). The Board denied the appeal and upheld the Commission's decision. Following a lawsuit by the applicant against the County concerning the Board's denial of CUP No. 89-368-(1), on December 20, 1991, the Board approved CUP No. 89-368-(1).
- On June 8, 1997, Regional Planning approved Plot Plan No. 18342 for a 22-foot-high pole with a 10-foot-by-7-foot sign, and parking lot lights.
- From the years 1993 to 2001, the County Department of Public Works, Building and Safety division (Building and Safety), cited the business for violations for improper interior post and beam work, electrical and plumbing work, illegal expansion to the rear office area and illegal addition of a storage unit to the existing building. The violations

are still pending, as Building and Safety will not approve the work until the applicant obtains a valid ABP.

- In 2007, Regional Planning Zoning Enforcement staff cited the business for operating without a valid ABP, for operating the adult business from a temporary structure (trailer), and for failing to comply with development standards set forth in Title 22 of the County Code.
- On September 12, 2007, the applicant, Chawkat Jijieh, applied for ABP No. RMIS 201300001 to operate an adult-oriented business with cabaret.
- On September 22, 2009, Certificate of Compliance No. 200900027 was recorded to hold together three lots in order to provide adequate parking for the existing adult business. In 2010, two of the lots (APNs 8563-009-002 and 8563-009-003) were combined to create lot parcel APN 8563-009-019.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The subject property is located within the I (Major Industrial) classification of the Countywide Land Use Plan. The intent of this land use classification is to assure that sufficient land is allocated for a wide range of industry and industry-related activities serving both domestic and export markets and providing jobs for a large portion of the resident labor force. Area which are generally appropriate for major industrial uses include manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. There are no specific policies related to the existing type of use in the Plan. The adult business with cabaret has existed at the subject location for over 30 years and is permitted under the current zoning ordinance requirements with a valid ABP, therefore, is consistent with the Countywide General Plan.

11. **CHRONOLOGY OF ZONING VIOLATIONS AND SITE INSPECTIONS.** CUP No. 89368-(1) approved by the Board of Supervisors on December 19, 1991, authorized an adult business with live entertainment. The CUP expired in 1997. Per the Adult Business Ordinance adopted in 1996 (see Part 22.62 of Title 22 of the County Code) and section 22.56.1510(B) of the Zoning Ordinance, the existing adult business on the site could operate lawfully as a legal nonconforming use, provided there was no alteration, enlargement or addition to any building or structure, no increase in occupant load, and no enlargement of area, space or volume occupied by or devoted to such the business.

In 2007, the adult business on the site was cited by Regional Planning Zoning Enforcement for operating an adult business out of a portable trailer. The business was also cited by Building and Safety for unpermitted modifications, additions, and expansions to the existing building on the site. These illegal expansions expired the business's legal non-conforming status and triggered the requirement for a new ABP.

On September 12, 2007, Chawkat Jijieh, who represented himself as the new owner of the business, applied for ABP No. RMIS 201300001 to operate an adult-oriented business with cabaret (Bliss Showgirls). Since applying for the ABP, Regional Planning and other County agencies have observed Bliss Showgirls' continued non-compliance with applicable development standards set forth in Title 22 of the County Code. The following is a chronology of violations observed during scheduled inspections at Bliss Showgirls:

- On August 2, 2008, Regional Planning Zoning Enforcement observed the business operating without a valid ABP in violation of section 22.62.050 of the County Code; a temporary trailer containing a bedroom and bathroom located on the property in violation of section 22.62.030(A) of the County Code; trash dumpsters located in the parking lot with no enclosure in violation of section 22.62.030(B) of the County Code; the exterior door of the business propped open in violation of section 22.62.030(C) of the County Code; the business sign displaying a silhouette of a woman as the "I" in BLISS in violation of section 22.62.030(G) of the County Code; no current business license on file as required by section 22.62.030(M) of the County Code; business operating past 2 a.m. in violation of 22.62.030(O) of the County Code; no licensed security present in violation of section 22.62.030(R) of the County Code.
- On December 10, 2008, Regional Planning staff observed the temporary trailer was still located on the premises; the trash dumpster was still located in the parking lot with no enclosure; the exterior door of the business was again propped open; and the business sign continued to display a woman's silhouette.
- On May 6, 2010, Regional Planning issued a Notice of Violation to the business owner regarding the prohibited temporary trailer on the site.
- On March 16, 2011, Regional Planning staff observed the exterior door of the business was again propped open; the trash dumpster in the parking lot still was not enclosed; the business sign continued to display a woman's silhouette; on-site parking was being used to store inoperable vehicles from the neighboring auto dismantling business in violation of section 22.32.080(B) of the County Code.
- From March 2011 to January 2013, Regional Planning staff worked with the applicant, Chawkat Jijieh, to rectify the above-mentioned violations. Mr. Jijieh agreed to prohibit the adjacent auto dismantling business to store inoperable vehicles on the property, and to include a trash enclosure on the site plan. With respect to the sign displaying a woman's silhouette, rather than require the applicant to remove the sign, which would have resulted in the business having reduced visible signage, Regional Planning allowed the applicant to maintain the existing unpermitted sign, without modifications, until the ABP process was completed.
- On January 31, 2013, Regional Planning staff observed the exterior door of the business was again propped open; a glass merchandise display of sexual paraphernalia was observed from the outside walkway in violation of section 22.62.030(K) of the County Code; the business sign displaying a woman's silhouette had been replaced, without permits, by a flashing message board sign advertising "lap dances" in the "VIP" section of the business, in violation of section 22.62.030(G) of the County Code and Title 22 provisions prohibiting such flashing message board signs; and again no licensed security was present on-site.
- On May 16, 2013, the Sheriff conducted an undercover operation at the site, resulting five arrests in connection with alleged prostitution activity by the business's dancers.
- On June 4, 2013, a joint unannounced inspection was conducted by Regional Planning staff, Sheriff's officers, and a representative of the Sheriff's Major Crimes

Bureau Licensing Detail Unit. County staff observed that again no licensed security was present on-site; the exterior door was again propped open; and a glass merchandise display of sexual paraphernalia was again observed from the outside walkway.

- On August 17, 2013, a Regional Planning Zoning Enforcement inspector conducted a night inspection and observed the adult business was operating past 2 a.m. in violation of section 22.62.030(O) of the County Code.
- On October 23, 2013, Regional Planning staff conducted a joint announced inspection of the subject property with a civilian investigator from the Sheriff's Major Crimes Bureau Licensing Detail Unit. County staff observed that no licensed security personnel were present on-site; and the exterior door was again propped open. The applicant also confirmed to staff that the business continued to operate past 2 a.m. Other concerns observed during the joint inspection included the lack of lighting inside the location, the walkway for entertainers between the stage and dressing rooms did not maintain a barrier separating the patrons and the entertainers to prevent any physical contact between patrons and entertainers as required by Title 7, and rooms not visible or open to the rest of the location contain couches and benches in violation of section 7.92.050(H) of the County Code.
- On December 11, 2013, Regional Planning Zoning Enforcement conducted an unannounced inspection due to complaints from a constituent regarding the business's exterior door being propped open and the business's continued operation past 2 a.m. The inspector was not allowed immediate access inside the business. After the employee on-site called the owner, he allowed the inspector inside the business. The following violations were observed: no licensed security personnel were present on-site; the exterior door was again propped open; and the business continued to maintain an illegally erected flashing message board sign.
- On December 16, 2013, the Sheriff informed Regional Planning staff that the Sheriff had received community complaints that the business continued to operate past 2 a.m. Since December 16, 2013, the Sheriff has confirmed it has observed the business operating past 2 a.m.
- On January 7, 2014, Regional Planning issued a Notice of Violation to the business owner regarding the business operating past 2 a.m.
- On January 23, 2014, Regional Planning issued an amended Notice of Violation, which in addition to citing the business for operating past 2 a.m., cited the business for keeping the exterior door propped open, for maintaining a flashing message board sign, and for failing to have licensed, uniformed security on the premises.
- On February 8, 2014, a Regional Planning Zoning Enforcement Inspector conducted a night reinspection. The following violations were observed: the exterior door of the business was again propped open; a flashing message board sign advertising "lap dances" in the "VIP" section of the business, in violation of section 22.62.030(G) of the County Code and Title 22 provisions prohibiting such flashing message board signs; and again the adult business was open past 2 a.m. The following Title 7 violations were also observed: the exterior door of the business was again propped open in violation of 7.92.050(E); dancers and patrons were using rooms that are not

open to view at all times in violation of section 7.92.050(H); the business was open past 2 a.m. in violation of 7.92.050(L); dancers performing on the stage were touching patrons in violation of 7.92.070(B); there was no separate access area for the dancers from the dressing room to the stage in violation of 7.92.070(E); and dancers were observed touching patrons and offering "lap dances" in violation of 7.92.070(F).

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The County Fire Department cleared the project for hearing on May 8, 2013. The letter dated May 8, 2013 is included in this package. The County Department of Public Works also cleared the project for hearing on May 8, 2013.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** On September 19, 2011, the Sheriff provided Regional Planning staff with a Crime Analysis Report regarding calls for service at the site. These calls for service include calls for narcotics, vehicle citations, stolen property, alcohol and drug intoxication and physical assault. Calls for service include robberies and other disturbances, generally in the parking lot. Regional Planning staff requested updated calls for service on February 11, 2013. Sheriff provided updated calls for service for the years 2008 to 2013. The calls for service included narcotics, aggravated assault, burglary, Federal offense with money (counterfeit), petty theft, weapons found on location, and vehicle citations. The Sheriff has stated on record that it opposes the proposed ABP due to the applicant's refusal to allow uniformed officers on the premise during previous site visits, alleged prostitution activity, and continual non-compliance with the requirements for adult businesses set forth in Title 7 of the County Code.
14. **APPLICABLE DEVELOPMENT STANDARDS.**
 - a. The Commission finds that the adult business does not comply with section 22.62.030(C) of the County Code, which provides that "[n]o exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times." Numerous inspections have demonstrated the business for years has not complied with this requirement, but has continued to keep its exterior door propped open. The Commission further finds that the applicant has provided no credible evidence that he intends to comply with this requirement.
 - b. The Commission finds that the adult business's signage does not comply with section 22.62.030(G) of the County Code, which requires that "[s]ignage shall conform to the standards established for the zone and shall not contain sexually explicit photographs, silhouettes or other sexually explicit pictorial representations." From at least 2007 to approximately January 2011, the business's wall sign located above the front entrance had contained a silhouette of a woman in violation of section 22.62.030(G). Although Regional Planning staff agreed not to require removal of the sign to allow the business to maintain visible signage, in January 2013 Regional Planning staff discovered that the existing sign had been replaced with a flashing message board sign advertising "lap dances" in the "VIP" section of the business. Flashing message board signs are not permitted in the M-1-BE zone pursuant to section 22.52.800. The applicant installed the flashing message board sign illegally, without any approvals from Regional Planning or Building and Safety. The applicant has not submitted the appropriate documents required for the review of unpermitted sign for the subject property as part of this application, and the

Commission further finds that the applicant has provided no credible evidence that he intends to comply with applicable development standards related to signage.

- c. The Commission finds that the adult business does not comply with section 22.62.030(M) of the County Code, which requires that "[a]ny business license required pursuant to Title 7 of the Los Angeles County Code shall be kept current at all times." The adult business does not have a valid business license as required by Title 7 of the County Code. Although the applicant has applied for a business license concurrently with this application, Sheriff and Regional Planning have recommended denial of the application due to the adult business's failure to comply with applicable laws and development standards. The Commission further finds, therefore, that the applicant has not demonstrated at this time that the adult business is likely to receive a valid business license which would bring the adult business into compliance with section 22.62.030(M).
- d. The Commission finds that the adult business does not comply with section 22.62.030(N) of the County Code, which requires that "[e]ach adult business shall conform to all applicable laws and regulations." Observations at previous and recent investigations conducted by the Sheriff and Regional Planning staff and submitted floor plans, confirm that the adult business continues to not be in compliance with the following Title 7 requirements: section 7.92.050(A), "[a]t least one security guard shall be on duty patrolling the premises at all times while the business is open.... Security guard(s) required by this subsection shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law"; section 7.92.050(E), "[n]o exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times"; section 7.92.050(H), "[a]ll indoor areas of the business within which patrons are permitted, except rest rooms, shall be open to view at all times, which view shall not be obstructed by any door, wall, curtain, two-way mirror, person, merchandise, display rack, or other material"; section 7.92.050(L), "[t]he business shall not operate or be open between the hours of 2:00 a.m. and 9:00 a.m."; section 7.92.070(B), "[n]o person shall perform live entertainment for patrons except upon a stage at least 18 inches above the level of the floor, which is separated by a distance of at least six feet from the nearest area occupied by patrons, and no patron shall be permitted within six feet of the stage while the stage is occupied by an entertainer."; section 7.92.070(E), "[t]he business shall provide access for entertainers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the business shall provide a minimum three-foot-wide walk aisle for entertainers between the dressing rooms and the stage, with a railing, fence or other barrier separating the patrons and the entertainers, which is capable of, and which actually results in, preventing any physical contact between patrons and entertainers."; and section 7.92.070(F), "[n]o entertainer shall have physical contact with any patron, and no patron shall have physical contact with any entertainer while on the premises." A recent investigation conducted by Regional Planning staff on February 8, 2014, confirms that the adult business continues to be in noncompliance with the above-mentioned Title 7 requirements, except for section 7.92.050(A). The Commission further finds that the applicant has provided no credible evidence that he intends to comply with applicable Title 7 requirements.

- e. The Commission finds that the adult business does not comply with section 22.62.030(O) of the County Code, which requires that the "adult business shall not operate or be open between the hours of 2:00 a.m. and 9:00 a.m." Recent investigations by Regional Planning staff, reports by the Sheriff, and an admission by the applicant confirm that the adult business routinely and consistently operates past 2:00 a.m. The Commission further finds that the applicant has provided no credible evidence that he intends to cease operating after 2:00 a.m.
 - f. The Commission finds that the adult business does not comply with section 22.60.030(R) of the County Code, which requires in pertinent part that "[a]t least one security guard shall be on duty patrolling the premises at all times while the business is open.... Security guard(s) required by this subsection shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state or local law." Sections 7574, et seq., of the California Business and Professions Code requires private security guards to register with the State and undergo certain training and other requirements. The Commission finds that the adult business has not provided required uniformed security personnel who have obtained appropriate approval to act as a security from the State.
 - g. The Commission finds that the adult business will provide sufficient parking as required by section 22.52.1110 of the County Code.
 - h. The Commission finds that the adult business's proposed outdoor storage to the rear of the property, consisting of recycling bins and office related items, is enclosed by a ten-foot-high solid metal fence and will not be visible from the street, highways, commercial and residential uses, and complies with the outside storage/display requirements set forth in section 22.52.610 of the County Code.
15. **LOCATION REQUIREMENTS FOR ADULT BUSINESSES.** The Commission finds that the adult business is consistent with the location requirements contained in subsections (A)(1), (A)(3), and (A)(4) of section 22.62.080 of the County Code, as the subject property is not located within 250 feet of any lot upon which there is located any residence, or any property located in a residential or agricultural zone, or equivalent zone; is not located within 500 feet of any public or private school (kindergarten through twelfth grade) or child care center; and is not located within 500 feet of any park owned by a public entity. The Commission further finds that the adult business is consistent with the location requirements contained in subsection (A)(2) of section 22.62.020 of the County Code, which requires that the adult business "shall not be located ... [w]ithin 500 feet of any church, chapel or other publicly recognized place of worship whether such use is within or outside the unincorporated area of the county[.]" Although a church is located within a commercial center approximately 127 feet from the project site, the Commission finds that the adult business has been continuously operating pursuant to section 22.62.090(D) of the County Code, and therefore is not rendered a nonconforming use by the subsequent location of the church within 500 feet of the project site.
16. **PERMITTED ZONE CLASS.** The Commission finds that that adult business is located in the M-1-BE zone, in conformance with section 22.62.040 of the County Code.

17. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
18. **PUBLIC COMMENTS.** Regional Planning staff received two emails from the public requesting project information prior to the May 22, 2013 public hearing. Since then, Regional Planning staff has received various letters, phone calls and emails in opposition of the proposed ABP, including a letter from the Workman Mill Association, the Evergreen Church and a petition with 127 signatures.
19. **ENVIRONMENTAL DETERMINATION.** The Commission finds that the project is a ministerial approval not subject to the California Environmental Quality Act (CEQA) or the time limits specified in sections 65950 et seq. of the Government Code.
20. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the adult business is inconsistent with the development standards contained in chapter 22.62 of the County Code for the reasons specified in paragraph 14(a) of these findings.
- B. That the adult business is inconsistent with the development standards contained in chapter 22.62 of the County Code for the reasons specified in paragraph 14(b) of these findings.
- C. That the adult business is inconsistent with the development standards contained in chapter 22.62 of the County Code for the reasons specified in paragraph 14(c) of these findings.
- D. That the adult business is inconsistent with the development standards contained in chapter 22.62 of the County Code for the reasons specified in paragraph 14(d) of these findings.
- E. That the adult business is inconsistent with the development standards contained in chapter 22.62 of the County Code for the reasons specified in paragraph 14(e) of these findings.
- F. That the adult business is inconsistent with the development standards contained in chapter 22.62 of the County Code for the reasons specified in paragraph 14(f) of these findings.
- G. That the adult business is located in a zone classification which lists the adult business as a permitted use.

- H. That, except as provided in paragraphs A through F of these conclusions, the adult business complies with the development features prescribed in Title 22 of the County Code.
- I. That the adult business has not submitted to the Director of Regional Planning documentation evidencing successful completion of the processes and receipt of the business license required under Chapter 7.92 of Title 7 of the County Code.

THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings for an Adult Business Permit as set forth in Section 22.62.080 of the County Code.

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, Adult Business Permit No. RMIS 201300001 is Denied.

VOTE:

Concurring: Valadez, Louie, Pedersen, Modugno

Dissenting:

Abstaining: Shell

Absent:

Action Date: February 19, 2014

MM: DA

2/6/2014

c: Each Commissioner, Zoning Enforcement, Building and Safety